

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-FILED

CRIMINAL MINUTES - JURY TRIAL

Judge: James Ware
Date: August 6, 2008
Case No: CR-08-0156 JW

Courtroom Deputy: Elizabeth Garcia
Court Reporter: Lee-Anne Shortridge
Interpreter: N/A

TITLE

USA v. Steven Rodriguez (C)
Attorney(s) for Plaintiff(s): Jeff Schenk, Richard Cheng
Attorney(s) for Defendant(s): Cynthia Lie

PROCEEDINGS

Jury Trial Sessions Three (morning) and Four (afternoon)

ORDER AFTER HEARING

Defendant present and in custody for proceedings. The Court held a hearing outside the presence of the jury (approx. 8:55 AM) re issues of witness subpoena, Defense counsel raised to clarify record from August 5, 2008 re mistrial. The Court releases the witness under subpoena as previously stated on record August 5, 2008. The Court summoned the jury and the Government resumed the cross-examination of Steven Rodriguez (approx. 9:05 AM). Counsel ask for side-bar conversation with the Court (approx 9:50 AM).

Government's cross-examination of Rodriguez continues. The Court takes a mid-morning break (approx. 10:25 AM). The Court resumes with jury on cross-examination (approx. 10:45 AM) Counsel ask for side-bar conversation with the Court (approx. 11:14 AM).

Government resumes with cross-examination (approx. 11:16 AM). The Government ends cross-examination and Defense counsel begins redirect examination of Rodriguez (approx. 11:17 AM). Defense counsel ends redirect examination (approx. 11:41 AM). The Court asks the Government if there is any re-cross examination in new areas for Rodriguez (approx. 11:41 AM). Government ends re-cross examination. No further redirect by Defense counsel. Steven Rodriguez is excused from testimony (approx. 11:51 AM). Defense counsel asks the Court for leave to play audio tape of Defendant's post-arrest statement, Government raises objections. The Court dismisses jury and holds a hearing outside of the presence of the jury (end 12: 10 PM). The Court breaks for the lunch hour.

Jury summoned (approx. 1:20 PM). Trial proceedings resume with the instructions by the Court to the jury about audio and transcript recordings of Defendant's post-arrest statement (end approx. 1:44 PM). Defense rests at the conclusion of the audio. No rebuttal testimony by the Government. Clerk collected the printout of transcript used during the audio play back. The Court excuses the jury to hold a hearing re closing instructions (end approx. 2:10 PM). The Court took a brief break to finalize closing instructions and proposed verdict form (2:10 PM). Jury summoned and given closing instructions by the Court (approx. 2:20 PM). Court ended closing instructions, Government began closing arguments (approx. 2:35 PM). Defense counsel begins closing arguments (approx. 3:00 PM). Government interjected objections to Defense closing argument. The Court gave the Jury supplemental oral instructions. The Defense continued with closing arguments (end 3:36 PM). The Government began rebuttal argument to the jury (approx. 3:36 PM). The Defense interjected objections to Government's rebuttal argument (approx. 3:52 PM). The Court instructs counsel to limit argument within the stipulations reached previously. The Government ends rebuttal argument (approx. 4:07 PM). The Court gives the jury further closing instructions. The Court dismisses the alternative jurors from service. The jury is excused for deliberations (approx. 4:15 PM). The Court holds a brief hearing outside the presence of the jury. The Court ends trial proceedings (approx. 4:20 PM).

Further Jury Deliberations set for **August 7, 2008 at 9:00 AM.**

Exhibits Into Evidence (submitted to jury for deliberations):

Govt: #'s 1, 2, 3, 4, 5, 6, 8 (custody remains with Govt. The Govt is on call to produce exhibit for the jury when needed), 9A - E (custody remains with Govt. The Govt is on call to produce exhibit for the jury when needed)

Def: #'21

Elizabeth C. Garcia
Elizabeth C. Garcia
Courtroom Deputy
Original: E-Filed
CC: